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TECHNOLOGY CENTER 2800
SPECIAL PROGRAM CENTER

In re Application of)
HOEHN)
Application No. 09/638,478)
Filed: August 14, 2000)
Attorney Docket Number: DP-302554)

DECISION ON PETITION TO
RESET PERIOD FOR REPLY

This is a decision on the petition filed on February 22, 2002, requesting that the shortened statutory period for reply set forth in the Office action dated October 23, 2001, be reset to run from the date on which the Office action was received at the correspondence address of record.

The petition is **granted**.

Petitioner states that the Office action in question was received at the correspondence address of record on January 28, 2002. The petition includes a copy of the cover sheet of the Office action having a date of receipt of "JAN 28 2002" stamped thereon.

Petitions to reset the period for reply to an Office action due to late receipt of the action are treated in MPEP § 710.06. As set forth in MPEP § 710.06, a petition to restart the previously set period for reply should be filed within two weeks of the date of receipt of the Office action at the correspondence address. In view of the fact that the Office action was mailed between October 13, 2001 and January 2, 2002, when delivery of mail from the Office to certain regions of the country was delayed, this requirement will be waived. Petitioner is advised that any future petition to reset the period for reply to an Office action may not receive favorable consideration unless filed within two weeks of the date of receipt.

Accordingly, the shortened statutory period that was originally set forth in the Office communication originally mailed on October 23, 2001, is hereby reset to run FROM THE RECEIPT DATE OF January 28, 2002. The reply filed on February 22, 2002, is thereby deemed to have been timely filed. No fee is required for the petition, and no fee is required for an extension of time under 37 CFR 1.136(a).

For Edward Glick, Special Program Examiner
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